

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

OFFICE COPY

ADDITION TO RECORD PER STIPULATION OF
COUNSEL.

Court of Appeals, District of Columbia

OCTOBER TERM, 1908.

No. 1923.

JOHN B. HENDERSON, APPELLANT

vs.

HENRY B. F. MACFARLAND, HENRY L. WEST, AND
JAY J. MORROW, COMMISSIONERS OF THE DISTRICT
OF COLUMBIA,

AND

No. 1924.

FLORA B. THOMPSON, APPELLANT,

vs.

HENRY B. F. MACFARLAND, HENRY L. WEST, AND
JAY J. MORROW, COMMISSIONERS OF THE DISTRICT
OF COLUMBIA.

FILED SEPTEMBER 11, 1908.

In the Court of Appeals of the District of Columbia, October Term,
1908.

No. 1923.

JOHN B. HENDERSON, Appellant,

v.

HENRY B. F. MACFARLAND ET AL.,

and

No. 1924.

FLORA B. THOMPSON, Appellant,

v.

HENRY B. F. MACFARLAND ET AL.

It is hereby this 10th day of September, 1908, stipulated and
agreed by and between the parties hereto, by their respective attor-

neys, that the certified copy of the notice and order of publication hereto attached shall be made a part of the record on appeal and duly printed.

WALTER D. DAVIDGE,
Attorney for John B. Henderson, Appellant.
JAS. FRANCIS SMITH,
Attorney for Appellees.

Notice and Order of Publication.

Filed November 21, 1907. J. R. Young, Clerk.

In the Supreme Court of the District of Columbia, Holding a
District Court.

In re THE EXTENSION OF HARVARD STREET, COLUMBIA HEIGHTS,
DISTRICT OF COLUMBIA. No. 721, District Court.

Notice is hereby given that the Commissioners of the District of Columbia, pursuant to the provisions of the Act of Congress, approved January 22nd, 1907, entitled "An Act for the Extension of Harvard Street, Columbia Heights, District of Columbia, have filed a petition in this Court praying the condemnation of the land necessary for the Extension of Harvard Street, Columbia Heights, in a straight line with a width of sixty feet more or less to Sixteenth Street, northwest, upon such lines as the Commissioners of the District of Columbia deem most advantageous to the abutting property as shown on a plat or map filed with the said petition, as part thereof, and praying also that a jury of five judicious, experienced, disinterested men, who shall be freeholders within the District of Columbia, not related to any person interested in these proceedings and not in the service or employment of the District of Columbia or of the United States, be summoned by the United States Marshal for the District of Columbia to assess the damages each owner of land to be taken may sustain by reason of the said Extension of the said street and the condemnation of the land necessary for the purposes thereof, and to assess as benefits resulting therefrom the entire amount of the said damages, plus the costs of this proceeding upon the land abutting upon the said street, to be opened, and also upon all other pieces and parcels of land which the jury may find will be benefited by the said opening, of the said street.

It is by the Court, this 21st day of November, A. D. 1907, ordered, that all persons having any interest in these proceedings be, and they are hereby warned and commanded to appear in this Court on or before the 20th day of December, A. D. 1907, at ten o'clock, A. M., and continue in attendance until the Court shall have made its final order ratifying and confirming the award of damages and the assessment of benefits of the jury to be empaneled and sworn herein, and it is further ordered, that a copy of this notice and order be published once in the Washington Law Reporter on six secular days and in the Washington Evening Star, The Washington

Herald, and the Washington Times, newspapers published in the said District, commencing at least twenty days before the said 20th day of December, A. D. 1907.

It is further ordered, that a copy of this notice and order be served by the United States Marshal or his deputies, upon such of the owners of the land to be condemned herein as may be found by the said Marshal or his deputies within the District of Columbia and upon the tenants and occupants of the same before the said 20th day of December, A. D. 1907.

By the Court:—

JOB BARNARD, *Justice*.

Marshal's Return.

Served copy of within notice and order on following named owners, tenants and occupants of the land to be condemned herein:

Flora B. Thompson, William H. Walker, John D. Langhorne, and James W. Banby personally, Dec. 17, 1907—

George Gibson, personally Dec. 18, 1907—

John B. Henderson, personally Dec. 19, 1907—

No other such owners, tenants and occupants to be found in the District of Columbia, Dec. 20, 1907.

AULICK PALMER, *Marshal*.
S.

Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing to be a true and correct copy of the original Notice and Order of Publication in Cause No. 721, District Court; *In re*: The Extension of Harvard Street Columbia Heights, District of Columbia, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 9th day of September, A. D. 1908.

[Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk*.

[Endorsed:] No. 1923. John B. Henderson, appellant, *vs.* Henry B. F. Macfarland *et al.*, and No. 1924. Flora B. Thompson, appellant, *vs.* Henry B. F. Macfarland *et al.* Addition to record per stipulation of counsel. Court of Appeals, District of Columbia. Filed Sep. 11, 1908. Henry W. Hodges, clerk.